

CIVIL SERVICE COMMISSION MINUTES

OCTOBER 20, 2004

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Marc Sandstrom
A.Y. Casillas
Gordon Austin
Barry I. Newman
Francesca Krauel

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamarly, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

November 17, 2004

**COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
OCTOBER 20, 2004**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
6,7,8,9,13	9		4,5

COMMENTS: Motion by _____ to approve all items not held for discussion; seconded by _____. Carried.

**CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.**

A. Commissioner Newman: Richard Pinckard, Esq., on behalf of **2004-08**, former Sergeant-Detentions, appealing an Order from the Sheriff's Department.

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9) The Copley Press, Inc. v. Superior Court, Court of Appeal No. D042251

**OPEN SESSION AGENDA
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the special meeting of September 29, 2004.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Casillas: **Thomas Hargraves**, former Building Maintenance Supervisor, appealing a Final Order of Termination and Causes from the Department of General Services.

Confirmed.

REASSIGNMENTS

3. Commissioner Newman: **Melissa Morrison**, Liberty Interest hearing regarding her failure of probation in the classification of Deputy Sheriff Cadet-Detentions/Court Services in the Sheriff's Department. Commissioner Austin was originally assigned.

Confirmed.

WITHDRAWALS

4. Commissioner Casillas: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Daniel McManama**, Road Crew Supervisor, appealing an Order of Suspension and Charges from the Department of Public Works.

Withdrawn.

5. Commissioner Sandstrom: Julie Buechler, Esq., on behalf of **2004-11**, Deputy Sheriff-Detentions/Court Services, appealing an Order from the Sheriff's Department.

Withdrawn.

DISCIPLINES

Findings

6. Commissioner Newman: Richard Pinckard, Esq., on behalf of **2004-08**, former Sergeant-Detentions, appealing an Order from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of 2004-08 was presented to the Civil Service Commission. The Commission appointed Barry I. Newman, one of its members, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. The matter was duly noticed and came on for hearing on September 21 and 22, 2004.

Based on the findings and conclusions of the hearing officer, it is recommended that the Order and charges be affirmed; that the Commission read and approve these findings; and that the

proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Newman to approve Findings and Recommendations; seconded by Austin. Carried.

(Commissioner Krauel supported the Motion, however disagreed with the conclusions regarding causes III, V and VII.)

OTHER MATTERS

Subcommittee Reports

7. Commissioners Casillas and Newman: Sealing Performance Appraisals

Commissioner Casillas read the subcommittee report regarding sealing of performance appraisals.

Motion by Casillas to accept subcommittee report; seconded by Newman. Carried.

8. Commissioners Sandstrom and Krauel: Amendments of Charges, Withdrawals and Settlements.

There was discussion among the Commissioners, as well as Ralph Shadwell, Sr. Deputy County Counsel. Clarification was made regarding jurisdiction in instances where a withdrawal is filed with the Commission. An amendment to the subcommittee report was proposed and accepted.

Motion by Krauel to approve subcommittee report as amended; seconded by Sandstrom. Carried.

Seal Performance Appraisal

9. **Rafael Lopez**, Administrative Analyst III, Health and Human Services Agency, requesting the sealing of a Performance Appraisal for the period January 12, 2003 to January 11, 2004. (Tabled at the Commission's September 29, 2004 meeting.)

RECOMMENDATION: Continue to the next Commission meeting pending input from the Agency.

Commissioner Sandstrom assigned Commissioner Krauel to investigate the sealing or non-sealing of this matter. Conclusions and recommendations will be discussed at the next scheduled Commission meeting.

Commissioner Newman questioned this assignment, as it was his understanding that the Department would attempt to reconcile the charges with the performance appraisal in question and get back to the Commission with its conclusions.

Dennis Floyd, Sr. Deputy County Counsel, advised the Commission that he, with the assistance of the Department and DHR, has prepared an analysis in this matter. However, Carlos Arauz, Director of DHR, is currently out of town and would like to review the analysis before it is presented to the Commission. Pursuant to Mr. Floyd's earlier telephone conversation with staff, a continuance was granted to the Department.

Commissioner Sandstrom was agreeable to the continuance, and assigned Commissioner Krauel to assist the Department and DHR in the reconciliation.

Motion by Sandstrom to continue this matter and assign Commissioner Krauel to investigate. Seconded by Casillas. Carried.

Extension of Temporary Appointments

10. Health and Human Services Agency

- A. 5 Residential Care Workers I (Nicole Christopher, Robert Knowles, Erik Newmark, Lenge Tsuchimochi, Jennifer Young)
- B. 2 Residential Care Workers II (Candice Dangca, William Wallace)

11. Department of Agriculture, Weights and Measures

- 1 Insect Detection Specialist II (Jay Mann)

RECOMMENDATION: Ratify Item Nos. 10 & 11.

Item Nos. 10 & 11 ratified.

12. Public Input.

3:45 p.m. The Commission adjourned to **CLOSED SESSION.**

4:10 p.m. **OPEN SESSION.**

13. Ralph M. Brown Act Briefing: County Counsel

ADJOURNMENT: 5:05 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: November 17, 2004